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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| **UNITED STATES OF AMERICA,** | Magistrate Case No. '07 MJ 2456 |
| Plaintiff, | COMPLAINT FOR VIOLATION OF |
| v. | |
| **Fausto VALENZUELA-Medina** | Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation |
| Defendant. | |

The undersigned complainant being duly sworn states:

On or about **October 12, 2007**, within the Southern District of California, defendant(s) **Fausto VALENZUELA-Medina**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Antonio Javier PEREZ-Martinez** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF **OCTOBER 2007**.

UNITED STATES MAGISTRATE JUDGE

CRK

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Cesar Valdivia, declare under penalty of perjury the following to be true and correct:

The complainant states that **Javier PEREZ-Martinez (Material Witness)** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 12, 2007 at approximately 9:25 PM **Fausto VALENZUELA-Medina** (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1995 Plymouth Voyager mini-van. Defendant presented a DSP-150 Laser Visa bearing his name and photograph to a Customs and Border Protection (CBP) Officer. The CBP Officer received a negative customs declaration from the Defendant. The CBP Officer observed that Defendant was not the lawful owner of the vehicle and proceeded to refer Defendant into secondary inspection.

During secondary inspection, a CBP Canine Enforcement Officer received an alert from his Narcotic/Human Detection canine to the vehicle Defendant was operating. An inspection of the vehicle revealed a non-factory compartment attached to the undercarriage of the vehicle. Subsequently, two male individuals were removed from the compartment. Both individuals were determined to be citizens of Mexico with no entitlements to enter the United States. **Javier PEREZ-Martinez** is now identified as (Material Witness). All individuals were escorted to the prosecutions unit area for further processing.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted knowledge to attempting to smuggle undocumented aliens into the United States. Defendant admitted he was instructed to drive the vehicle with the undocumented aliens to San Diego, California. Defendant admitted that upon successfully entering the United States with the undocumented aliens he was to be paid $1000.00 USD.

During a videotaped interview Material Witness admitted he is a citizen of Mexico with no entitlements to enter the United States. Material Witness stated he was going to Pleasanton, CA to resume employment. Material Witness stated he made the arrangements with an unknown male in Tijuana, Mexico for him to be smuggled into the U.S. for $3000.00 USD. Material Witness stated he knows it is illegal to enter the United States in this manner. Material Witness further stated he knows he needs legal documents to enter into the United States.

EXECUTED ON THIS 13th DAY OF **October 2007** AT 0300 hours.

for

Cesar Valdivia, CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(1)** page(s), I find probable cause to believe that the defendant named therein committed the offense on **October 12, 2007** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

10/13/07, 1019 hrs

DATE / TIME